

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
WEDNESDAY, SEPTEMBER 9, 2020**

Call to Order: Council met in regular session on Wednesday, September 9, 2020 via ZOOM Teleconferencing. The meeting was called to order at 6:04 pm.

Silent Meditation and Pledge of Allegiance: A silent moment was taken followed by the Pledge of Allegiance.

Roll Call: Barletta-present; Colombo-present; Mundie-present; Sacco-present; Perry-present

Minutes of Previous Meetings: The minutes of the August 26, 2020 SPECIAL Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: Section 108 Loan Guarantee Program for the City of Hazleton.

Perry stated all the information has been sent to city council members and City administration. He said H&K Group is the lowest bidder for the "whole works".

Atty. Sean Logsdon said the bids came in; the bids were reviewed. He stated they were analyzed by the City engineers. He said there is a bid from H&HK Group, Inc., in the amount of \$965,688.65. There is a bid from Pennsy Supply, Inc., in the amount of \$1,172,803.80 and a bid from American Asphalt in the amount of \$1,965,962.00. He said after the City's engineers reviewed the same, the engineers recommend awarding the project to lowest bidder, H&K Group, in the amount of \$965,688.65.

Perry asked Mayor Cusat what this is covering and what is the City paving with this. Mayor Cusat stated under Section 108, it would cover Cedar, Wyoming, Pine, Laurel, and some spots by Beech Street Playground. Zeller stated also Vine from Broad to Beech Street. Perry asked from Laurel to Beech Streets. Mayor Cusat said yes; to Beech and the "other one" is going to Buttonwood.

Atty. Logsdon said this is from Barry Isett and Associates. Ray Leary, Barry Isett engineer, said he is "standing with" Don Totino.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Mark Rabo, 1st Street, Hazleton, said he has a question on the agenda, itself. He said the agenda was posted, late yesterday, and he checked with the Office of Open Records website regarding this. Rabo said the agenda needs to be posted 72 hours prior to any regular scheduled meeting. Rabo stated he wanted to know, from Atty. Logsdon, how this works out. He said there was an advertisement, in the Standard Speaker, last week, for litigation and for the fireworks ordinance, but the Loan 108 program was not advertised. He said he would like to know, from Sean, what his "take" is on this.

Rabo also stated he has a question on the city council meeting minutes on the website. He said he looked for the meeting minutes, from 2016, for the budget, and they are "gone and missing". He asked Perry to check with Eileen, the city clerk, to see where these meeting minutes are from the 2016 budget meetings.

ORDINANCES AND RESOLUTIONS:

(1ST READING)

None

(2ND AND 3RD READINGS)

Ordinance 2020-22 An Ordinance Amending Chapter 134, Article I of the Hazleton City Code, Sale of Fireworks and Firearms (**2nd READING**)

Presented by Perry. Seconded by Sacco.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES ON 2nd READING

Ordinance 2020-22 An Ordinance Amending Chapter 134, Article I of the Hazleton City Code, Sale of Fireworks and Firearms (**3rd READING**)

Presented by Colombo. Seconded by Barletta.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES UNANIMOUSLY

RESOLUTIONS

Resolution 2020-65 Approval of Settlement Agreement and General Release of Claims Regarding Litigation Captioned as Cynthia DeLuca, et al. v. City of Hazleton, Docket Number 3:15-cv-02475, Middle District of Pennsylvania

Presented by Perry. Seconded by Colombo.

On the Question:

Barletta asked Atty. Logsdon if the City needs to have an amount in this resolution. Atty. Logsdon said he could put it in here. Barletta asked what the correct, legal way is to do this. Atty. Logsdon said, normally, the agreement would be attached to the resolution. He said this is the only reason he left it out because the agreement would be attached, and this is the way "it would be". Barletta asked who would pay for this, the insurance company, or out of the City' pocket. She asked if the City has a deductible. Atty. Logsdon said they should go into Executive Session to discuss litigation. He asked if they could go into a breakout session. The city clerk and Gary Perna, Mayor

Cusat's secretary, enabled the Executive Session for city council members, Mayor Cusat, and Atty. Sean Logsdon.

Perry stated they were in a breakout session for specific questions regarding this litigation. He said there will now be a vote.

Atty. Logsdon stated the case settled through Penn's Counsel for \$250,000. He said he will send a signed copy of the signed resolution over to Penn's Counsel. He said he will attach a copy of the settlement agreement to the resolution. Perry asked Atty. Logsdon about a deductible. Atty. Logsdon said any deductible would have been paid, early on, in the litigation.

Mundie said he needs to abstain from the vote due to past county work done for DeLucca's. Atty. Logsdon suggested he abstain.

Roll Call: Barletta-yes; Colombo-yes; Mundie-abstain; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2020-66

A Resolution Authorizing the Issuance and Execution of the Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, AS AMENDED, 42 U.S.C. §5308

Presented by Perry. Seconded by Sacco.

On the Question:

Perry stated Mr. Rabo had a question on this resolution. He said this has been ongoing, being "pushed off" and is not something new. Atty. Logsdon said the Section 108 loan documents is something city council and administration have been talking about in the past 2-3 meetings. He said he finally has the information to "put together" the resolution. He said these resolutions are considered "add-ons" besides anything else that was on the meeting agenda. Perry stated resolutions can be added on anytime. Atty. Logsdon said these are resolutions, and not ordinances. He stated the City also had the Monday, Labor Day holiday and that put us "back into" today. He said he does not want to make the city clerk's job harder than it already is in terms of getting things on the agenda. He stated if administration, council members or whatever department needs to get something, on the agenda, to him, "the earlier, the better". He said if he is doing things that are coming in, then he can warn everyone that it is last minute. He said he and the city clerk would appreciate getting items by the deadline.

Perry asked if this is for \$1,000,000 but not using the \$1,000,000; only paying on the amount of money the City is borrowing. Mayor Cusat and Atty. Logsdon stated it is for \$1,000,000. Perry asked if the bid was for \$1,000,000. Mayor Cusat said it is for \$965,000. Barletta asked if this is for the Section 108 paving and then borrowing money on "top of this". Mayor Cusat said the City is borrowing money off the liquid fuels account. Zeller stated it is from the Community Development account. Mayor Cusat said the City will be paying this back with part of the allocation every year. Perry said this is part of the \$3,000,000 paving project and comes "in sections". Barletta asked if this is for the City to borrow the money from Community Development. Zeller stated they already

authorized, the City, to seek the Section 108 loan several months ago along with the review process, by HUD. He said this is something they require in order to fund the actual project. Atty. Logsdon said this is specifically for the contract note coming from HUD, to the City, authorizing to enter, an agreement with HUD, to borrow money. He stated the City authorized the borrowing but also needs the two resolutions as per of their regulations. He said he spoke with Zeller and the City's CDBG consultant and these are what HUD wanted, two separate resolutions. He said this is why they came so late. He stated one is for the actual agreement, the note, and authorizing the execution of it. He said the "other one" city council will get to "in a second". Perry stated this is "a lot of paving". He asked if this includes ramps. Mayor Cusat said yes.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2020-67

A Resolution Pledging the Full Faith and Credit of the City of Hazleton in Support of All Obligations under the Contract for Loan Guarantee Assistance Under Section 108 of the Housing and Community Development Act of 1974, AS AMENDED, 42 U.S.C. §5308

Presented by Colombo. Seconded by Perry.

On the Question:

Atty. Logsdon said he thought the City could do this in one resolution, but HUD wanted two separate resolutions. He said this resolution is promising if there is no CDBG money, the City would pay back the loan. He said whatever funds the City, would procure, that the City is able to provide for this type of project and their guarantee that even if there is no CDBG money, the City would pay back the money. He said the City would be "on the hook".

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

New Business: None

Old Business: None

Comments from the Audience: Mark Rabo, 1st Street, Hazleton, said he did not get an answer about the Hazleton city council budget meeting minutes from 2016. He asked Perry to check with the city clerk. He said they are missing, under the council section, in the meeting minutes. The city clerk asked Rabo how far back the meeting minutes go. Rabo said they go from April, 2016 to January, 2017. He said

missing is May-December, 2016. She said she was not here, at that time, but will insert the missing minutes.

Rabo said as far as the Land Bank discussion goes, the Blighted Committee and the Redevelopment Authority are not active and to discuss for a Land Bank to be created out of a “vacuum” is almost a “waste of time”. He said he would like to see the Blighted Property Committee and the Redevelopment Authority active first and then doing their job to identify the properties and see if these can be certified blighted properties. He said these properties could be coordinated with Zeller in Community Development Office and Mayor Cusat to disseminate, to proceed, from this point. He stated to create a Land Bank, out of the “whim”, will not help matters and will complicate things, in the long run. He said all other Third-Class cities did a blight study first before creating a Land Bank. Rabo said they did not create a Land Bank out of “thin air”. He said they did a study then a blight plan to decide where the funding sources were and the properties that were considered problematic. He said this needs to be done before any Land Bank formation and creation could be done. He said this is based on his experience he had with the Land Bank’s throughout the years.

Rabo said regarding the WORK SESSION, he asked Atty. Logsdon to review the Sunshine Law. He said this law allows for public comment at the end of WORK SESSIONS. He said they are considered deliberations of the government body. He said he thinks WORK SESSIONS should allow for public comment at the end.

Atty. Logsdon stated he is not familiar with this section of the Sunshine Law. He said he will take a look at this.

Jason Carr, Saylorsburg, PA, spoke of the City of Hazleton’s creation of a Land Bank. He asked Mayor Cusat the purpose of the Land Bank for the City of Hazleton. He asked if this is for the greater good for the entire community or to “pick off properties” before they go to a judicial sale for the politically connected. Carr said Mayor Cusat is related to Sean Shamany, Director of Northeast Revenue, and how this would work for the purchase of properties directly from Northeast Revenue from the repository. He asked if this is something that Senator John Yudichak or former mayor Lou Barletta would want from the City.

Mayor Cusat stated the Land Bank is for the betterment of the community. He said he is not related to Sean Shamany. Mayor Cusat stated Northeast Revenue does not exist anymore and he does not know about Lou Barletta and Senator Yudichak.

Comments from Mayor: Mayor Cusat said the City had several events, at City View Park, and went very well. He said everyone is very happy with the park. He said there will be an event on September 10, 2020 for the Chamber of Commerce. He said the park is being readily used, by the public, and this is appreciated. Perry said this is a nice park with pavilions added.

Barletta asked what events were held there. Mayor Cusat said there were two dance recitals and two birthday parties held under the pavilions. He stated it is very nice. He stated he received a call from the dog park that they now have surveillance cameras, and not trail cameras, installed there. He said there is an actual live feed going to the police department. Mayor Cusat said there are continuing improvements “up there”.

Comments from City Administrator: Lynch stated taking a look at EIT from August, 2019 to August, 2020, there is a slight difference. He said the collections were down about \$105,000 or 3% for the year compared to 2019. Lynch said it is not good news but is better than he thought it would be.

Perry said Lynch mentioned, at one of the PEL meetings, about different City department differences. He said fines were down \$140,000, and “who is up \$10,000 and who is up \$110,000 from the fire department

and who is up \$8,000". Perry asked Lynch if expenses is down by \$170,000. Lynch agreed. Perry said he does not know how this works out, in the end, in terms of where the City is due to "ups and downs". He said this is pretty good.

Comments from Council: Colombo thanked Chief Leshko in continuing the 911 memorial. He said it will be 19 years since the 911 tragedy. He said the Hazleton Fire Department has not "missed a beat". He said it will be a little different, this year, due to COVID-19. He said the memorial will be held at St. Gabriel's Church (Holy Annunciation Church) at 6:00 p.m. Colombo stated Father Mariusz said, "absolutely, cannot stop and forget". He said there will be about 100 people attending. He said if anyone cannot attend, and with Sacco's aid and help, the public can watch this on city council's Facebook page live. He asked all residents listening to take some time, on Friday, to remember this tragic day with 343 firefighters dying that day, and each day, 1-2 die daily. Colombo said the United States cannot let their guard down, they need to continue to be strong and move forward.

Perry thanked Colombo for all he does helping out the City. Perry said there is also a Funfest event on September 13th, 2020. Perry asked if this is a like a "drive-by" thing. Sacco said this will be run like the Discover NEPA parade. She stated Mayor Cusat and Police Chief will be "leading the pack", will be going through town and be about one hour long. She said it is through the whole City and anyone who can fit on her husband's pick-up. Perry asked who was voted for the Hometown Hero. Sacco said she does not have a name yet. Mayor Cusat asked if the name was named publicly. Sacco said no.

Rabo also reminded all of the Lattimer Massacre on September 10, 1897. He said 19 miners were slaughtered because they asked for a raise and the workers saw their own doctors. Rabo said many miners died and were persecuted for exercising their right to free speech.

Comments from Junior Council: None.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 6:42 p.m.